

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**IN RE:**  
**RICHARD FLOYD WILLCUTT JR**  
**BOBBI THOMPSON WILLCUTT**  
**DEBTORS.**

**CASE NO: 09-71843-CMS13**  
**CHAPTER 13**

**TRUSTEE'S MOTION TO DISMISS AND NOTICE OF HEARING**

Comes now C. David Cottingham, Standing Trustee, in the above styled case and moves to dismiss this case and in support thereof represents to the Court as follows:

XX The Debtors' payments are not current, resulting in a material default in plan payments pursuant to 11 U.S.C. 1307 (c)(6).

       The Debtors' Plan is no longer feasible.

       The Debtors' payments are insufficient to pay case within the time allowed by law.

       The Trustee has received notice that the Debtors are deceased.

WHEREFORE, the Trustee moves that this case be **DISMISSED**.

This the 26th day of August, 2010.

/s/ C. David Cottingham  
C. David Cottingham, Standing Trustee

**NOTICE OF HEARING**

Notice is hereby given that a hearing on the above styled motion will be held on Tuesday the 19th day of October, 2010, at 9:00 a.m. in the US BANKRUPTCY COURT, FEDERAL COURT HOUSE, 1118 GREENSBORO AVENUE, TUSCALOOSA, AL 35401- .

**Certificate of Service**

A copy of the foregoing Motion has been filed with the Court. I hereby certify that I have served a copy of the foregoing Motion on the Debtors and Debtors' Attorney by mailing a copy of the same with adequate postage thereon or by electronic means when available:

This the 26th day of August, 2010.

/s/ C. David Cottingham  
C. David Cottingham, Standing Trustee